

Appl. No. 10/813,105  
Amdt. Dated 11/11/05  
Reply to Office action of 08/11/05

### REMARKS/ARGUMENTS

Claims 1-54 are now pending in the referenced application.

Changes in response to the Examiner's Detailed Action are described in remarks hereinbelow.

#### *Claim Rejections - 35 USC 112*

1. Claims 1-18 and 38-54 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Examiner requires an antecedent for the term "front" relative to the brake. Applicant wishes to note that the term is implicitly defined in the phrase "a longitudinal *front* edge forming a bending anvil" that appears in the fourth and fifth lines of the independent claims 1 and 38. Nevertheless, to even more clearly define the term "front", the following language has been inserted in both claims (before the phrase "the front gauge comprising"), as supported by the original specification and drawings: **'and "front" is defined to mean a lateral outside or outward facing side of the brake, which is also the side from which the workpiece is inserted past the bending anvil into the brake'**. For the sake of consistency, the same defining language has also been added to the original language of independent claim 19 (which is then copied into claim 20 as detailed hereinbelow).

#### *Claim Rejections - 35 USC 103*

2. Claims 1, 2, 12-16, 38, 39 and 51-53 have been rejected under 35 USC 103(a) as being unpatentable over Palmer (6,082,164) in view of Naylor (4,700,937).

Applicant respectfully submits that, as discussed in the background of the present application (page 3, lines 1-20) Palmer discloses apparatus for supporting and positioning a workpiece, but does not teach "gauging" (i.e., measurement - see application page 3, line 25 for term definition) of the workpiece. In particular, the "positioning" accomplished by Palmer's apparatus and method is such that "the workpiece is in the parallel orientation relative to the machine" (Palmer abstract). Applicant further submits that there isn't any obvious practical way to apply the measurement scale or "gauge" taught by Naylor to the front of the Palmer machine.

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As disclosed in Naylor column 3, Naylor's gauge comprises indicia marked (23) on a support arm (20) that is apparently bolted onto the "front" of the work table of the machine. However, the "front" of Naylor's machine actually corresponds to the "back" of Palmer's and Applicant's machines, since Naylor's work table is immovable and is located behind the bending edge of the bending anvil. Referring to column 2, lines 15-20, Naylor teaches away from mounting a gauge "on the swing beam" which is where Palmer's apparatus is mounted. So Naylor does not teach how to mount a support arm on the front of Palmer's or Applicant's bending brake where it would likely interfere with the operation of the bending member and/or with the folding of Palmer's support structure; and there is no obvious way to adapt a bolted-on right angle arm with scale markings as taught by Naylor to the folding support structure of Palmer.

3. Claims 1, 5-8, 38, 43-47 and 51-53 have been rejected under 35 USC 103(a) as being unpatentable over Ridgway (4,658,624) in view of Naylor (4,700,937).

Applicant respectfully submits that the bending machine disclosed by Ridgway is not similar enough to the sheet bending brake cited in Applicant's claims to provide usable teaching about front gauges. In particular, as stated in both independent claims 1 and 38, Applicant's sheet bending brake has "a third longitudinally extending member *pivotaly mounted to the first member for bending over the bending anvil* a workpiece that is clamped between the first and second members", whereas Ridgway's corresponding member for bending is the forming tool (2 and/or 3) which is connected at its longitudinal ends to a *reciprocating* support (10) - see Figs. 2-3 and column 5, lines 1-14. As seen in Ridgway's Fig. 3, because the relatively thin forming tool (2, 3) reciprocates (moves linearly up and down) in the space immediately adjacent to the anvil, and because a large surrounding structure (1) is provided *out in front* of the anvil, the gauge (6) can be mounted on the structure in close proximity to the tool. It is obvious that pivoting Ridgway's forming tool (e.g., on pivot 13) without any reciprocation would at best be able to effect only a small bend in the sheet material workpiece (5) before the tool (2, 3) hit the gauge (6). The teachings of Naylor can not remedy this situation, and furthermore as stated above, Naylor does not teach a front gauge in the sense that this term is used in the present application.

4. Claims 19, 21-24 and 31-36 have been rejected under 35 USC 103(a) as being unpatentable over Hugert (3,726,120) in view of Naylor (4,700,937).

Claims 19, 21 and 25-30 are canceled.

Amendments to claims 22 and 31-36 are described in the following section.

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*Allowable Subject Matter*

5. The Examiner has stated that claims 3, 4, 9-11, 17, 18, 40-42, 48-50 and 54 would be allowable if rewritten to overcome the rejections under 35USC 112, 2<sup>nd</sup> paragraph and to include all of the limitations of the base claim and any intervening claims. Applicant is not currently amending these claims since they depend from independent claims 1 or 38 which have been rewritten to overcome the rejections under 35 USC 112, 2<sup>nd</sup> paragraph, and which are further believed to be allowable as argued hereinabove.

6. The Examiner has stated that claims 20, 25-30 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 20 is therefore made allowable by being rewritten in independent form by including all of the language of the original base claim 19 (plus the further definition of the term "front" as described hereinabove).

Claim 20 is then further limited by adding the removable limitation of claim 21 by inserting the words "removable and" before the word "longitudinally".

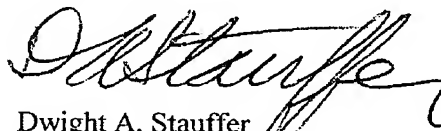
Claims 22 and 31-36 are made dependent upon now-independent claim 20 by replacing the number "19" with the number "20". This makes claims 23, 24 and 37 allowable due to depending in a chain from the new base claim 20.

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### Conclusion

The undersigned Agent of Record has made a sincere effort to amend the claims of this application in response to the present Office Action so that they define novel structure which is non-obvious. Favorable re-examination and consideration are respectfully requested. If there are still some issues to be resolved, the Examiner is invited to contact the undersigned.

Respectfully submitted,



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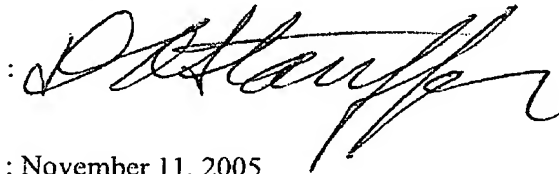
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